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Meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption
Vienna, 30 July-3 August 2001

Annotated provisional agenda and proposed organization of work

1. Opening of the Meeting.
2. Election of officers.
3. Adoption of the agenda and organization of work.
4. Preparation of draft terms of reference for the negotiation of an international legal instrument against corruption.
5. Conclusions and recommendations and adoption of the report of the Meeting.

Annotations

1. Opening of the Meeting

The Meeting will be convened on Monday, 30 July 2001, at 10 a.m.

2. Election of officers

In accordance with established practice, the Meeting may wish to elect five officers, a Chairman, three Vice-Chairmen and a Rapporteur.

Based on previous practice, and taking into account General Assembly decision 33/417 of 14 December 1978 on the organization of the work of United Nations bodies, regional groups are urged to start consultations on the nomination of candidates to fill these elective posts well in advance of the Meeting, with a view to agreeing on a slate of candidates equal to the number of positions to be filled, thus allowing all officers of the Meeting to be elected by acclamation and dispensing with the requirement of a secret ballot.

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3. Adoption of the agenda and organization of work

(a) Adoption of the agenda

The provisional agenda for the Meeting was prepared in accordance with General Assembly resolutions 55/61 of 4 December and 55/188 of 20 December 2000.

(b) Proposed organization of work of the Meeting

The proposed organization of work of the first Meeting of the Intergovernmental Open-Ended Expert Group, which is contained in the annex, has been prepared in accordance with the above-mentioned resolutions. It is intended to facilitate consideration of the agenda items within the time and in accordance with the conference services available.

The resources available to the Meeting permit the holding of two plenary meetings per day with full interpretation in the official languages of the United Nations.

4. Preparation of draft terms of reference for the negotiation of an international legal instrument against corruption

In its resolution 55/61, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime was desirable; decided to begin the elaboration of such an instrument in Vienna at the headquarters of the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention; requested the Secretary-General to prepare a report analysing all relevant international instruments, other documents and recommendations addressing corruption and to submit it to the Commission on Crime Prevention and Criminal Justice; and requested the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption.

In the same resolution, the Assembly requested the Secretary-General to convene, upon completion of the negotiation of the United Nations Convention against Transnational Organized Crime and the related protocols, an inter-governmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of the recommendations of the Commission at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption.

In its resolution 55/188, the General Assembly reiterated its request to the Secretary-General, as contained in resolution 55/61, to convene an inter-governmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of the future legal instrument against corruption, and invited the expert group to examine the question of illegally transferred funds and the repatriation of such funds to the countries of origin.

The Commission on Crime Prevention and Criminal Justice, at its tenth session, recommended to the Economic and Social Council the adoption of a draft resolution entitled "Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, derived from acts of corruption,

including the laundering of funds, and in returning such funds". In that draft resolution, the Council would request the intergovernmental open-ended expert group referred to in General Assembly resolution 55/61 to consider, within the context of its mandates, the following issues, inter alia, as possible items to be included in the draft terms of reference for the negotiation of a future legal instrument against corruption: (a) strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, including the laundering of funds derived from acts of corruption, and promoting ways and means of enabling the return of such funds; (b) developing the measures necessary to ensure that those working in banking systems and other financial institutions contribute to the prevention of the transfer of funds of illicit origin derived from acts of corruption, for example, by recording transactions in a transparent manner, and to facilitate the return of those funds; (c) defining funds derived from acts of corruption as proceeds of crime and establishing that an act of corruption may be a predicate offence in relation to money-laundering; and (d) determining the appropriate countries to which funds, referred to above, should be returned and the appropriate procedures for such return.

Documentation

Report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption (E/CN.15/2001/3 and Corr.1 and Add.1)

Report of the Commission on Crime Prevention and Criminal Justice on its tenth session (E/2001/30)

Background documents

Inter-American Convention against Corruption (E/1996/99)

Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted by the Organisation for Economic Cooperation and Development on 21 November 1997

Convention on the fight against corruption involving officials of the European Communities or officials of member States of the European Union adopted by the Council of the European Union on 3 December 1998

Joint Action on Corruption in the private sector adopted by the Council of the European Union on 22 December 1998

Criminal Law Convention on Corruption adopted by the Committee of Ministers of the Council of Europe on 27 January 1999

Civil Law Convention on Corruption adopted by the Committee of Ministers of the Council of Europe on 9 September 1999

5. Conclusions and recommendations and adoption of the report of the meeting

In its resolution 55/61, the General Assembly requested the Intergovernmental Open-Ended Expert Group to submit the draft terms of reference for the negotiation of the future legal instrument, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, to the Assembly at its fifty-sixth session for adoption, and decided to establish an ad hoc committee for the negotiation of such an instrument to start its work in Vienna as soon as the draft

terms of reference for such negotiation had been adopted. In its resolution 55/188, the Assembly invited the expert group to examine the question of illegally transferred funds and the repatriation of such funds to the countries of origin.

The Meeting is to adopt a report, the draft of which will be prepared by the Rapporteur. The Intergovernmental Open-Ended Expert Group may wish to consider submitting the draft terms of reference to the General Assembly by means of a draft resolution for consideration and action at its fifty-sixth session.

The resumed tenth session of the Commission on Crime Prevention and Criminal Justice is to be held in Vienna on 6 and 7 September 2001.

Annex

Proposed organization of work of the Meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption, to be held in Vienna from 30 July to 3 August 2001

Date	*Time*	*Item*	
Monday, 30 July	10 a.m. to 1 p.m.	1	Opening of the Meeting
		2	Election of officers
		3	Adoption of the agenda and organization of work
		4	Preparation of draft terms of reference for the negotiation of an international legal instrument against corruption
	3 to 6 p.m.	4	Continuation of the discussion
Tuesday, 31 July, to Thursday, 2 August	10 a.m. to 1 p.m. and 3 to 6 p.m.	4	Continuation of the discussion
Friday, 3 August	10 a.m. to 1 p.m. and 3 to 6 p.m.	4	Continuation and conclusion of the discussion
		5	Conclusions and recommendations and adoption of the report of the Meeting